

**REMARKS**

**I. Status of the claims**

Claims 25-73 are pending. Claims 27-29, 30, 32, 34, 36-40, 42, 47, and 51-58 have been amended in order to more clearly define the invention. Claims 27, 28, 34, 53, and 58 have been amended to reflect the proper format of a Markush-type claim by replacing "or" for "and" at the end of the Markush list. Claims 32, 36-40, 42, 47, 51, and 54-56 have been amended by adding the word "granulate" after "fibrin adhesive" in order to better define the invention. Claims 29 and 30, drawn to preparations, have been amended by deleting functional language and in order to better define the invention. Support for this amendment can be found in original claim 4 and on p. 9 of the specification.

Claims 36, 52, 53, and 57 have been amended in response to the Office's indefiniteness rejections. Support for the amendment to claim 36 can be found in original claim 11. Support for the amendments to claim 52 and 53 can be found in original claim 21. Support for the amendment to claim 57 can be found in original claim 22 and in the specification at p. 4.

Accordingly, all claims amendments find proper support in the original claims and/or in the specification and, therefore, no issue of new matter is being raised. None of the present claim amendments narrows the scope of the claims.

New claims 59 -73 are substantially copied from the claims of U.S. Patent No. 6,596,318, a copy of which was made of record in the Supplemental Information

Disclosure Statement filed on December 18, 2003. Support for the new claims appears in the specification as explained in the following table:

New Claims	Support in Specification
59	p. 4, line 3 to p. 6, line 2
60	p. 7, lines 12-20
61	p. 6, lines 3-9; p. 7, lines 3-10; combined Examples 1, 2, & 3
62	p. 6, lines 3-9; p.10, line 23 to p.11, line 9
63	p. 7, lines 3-8; combined Examples 1 & 3
64	combined Examples 2 & 3
65	p. 7, lines 12-20
66	p. 4, lines 13-17
67	p. 4, lines 13-17
68	p. 11, lines 10-29; Examples 6-8
69	p. 4, lines 13-17
70	p. 4, line 30 to p. 6, line 2; (Examples 1-4 respectively)
71	p. 7, lines 12-20; Example 4
72	combined Examples 2 & 3
73	p. 6, lines 3-9; p. 7, lines 3-10; combined Examples 1, 2, & 3

**II. Rejections under 35 U.S.C. § 112, second paragraph**

The Office rejected claims 36, 52, 53, and 57 for allegedly being indefinite. The Office argues that there is insufficient antecedent basis in claim 36 for the recitation of “the preparation.” The Office further argues that claim 36 is drawn to a wound care fleece but that the only limitation is to a method step. Applicant has amended claim 36 by replacing the recitation of “the preparation” with “a composition comprising the fibrin adhesive granulate.” Additionally, claim 36 no longer recites any method steps. Accordingly, the Office’s rejection is now moot and Applicant requests that this rejection be withdrawn.

The Office also argues that claim 52 lacks sufficient antecedent basis for the limitation “adding other biological, vegetable or synthetic active substances to the fibrin adhesive granulate as claimed in claim 25.” According to the Office, the recitation of “other” biological, vegetable or synthetic active substances implies that claim 25 refers to such substances. Applicant has addressed this rejection by replacing the word “other” with “one or more.” The scope of claim 52 has not been narrowed by this amendment. The Office’s rejection is now moot and Applicant requests that this rejection be withdrawn.

The Office further argues that claim 53 lacks sufficient antecedent basis for the recitation of “biological, vegetable or synthetic active substances” because such substances are not referred to in the claims from which claim 53 depends. Applicant has amended claim 53 to depend from claim 52, which recites biological, vegetable or

synthetic active substances. Accordingly, the Office's rejection is now moot and Applicant requests that this rejection be withdrawn.

According to the Office, it is unclear what is meant by "biological factors" in claim 57. The Office queries whether this term is limited to coagulation factors or whether it is open to any biological product. Applicant has amended claim 57 by claiming a "method for preparing a support medium for one or more biological, vegetable or synthetic factors." Support for this amendment is found in the specification at p. 4, end of 3<sup>rd</sup> full ¶. This passage indicates that "[t]hese factors can support wound healing or act as antifibrinolytic, antibiotic, chemotherapeutic, or immune modulators." *Id.* Therefore, the factors recited in claim 57 are not limited to coagulation factors. The skilled artisan upon reading the specification as a whole would understand that a variety of biological, vegetable and/or synthetic factors can be used in the methods of the invention for the purposes exemplified above. Therefore, claim 57 is definite and Applicant respectfully requests that this rejection be withdrawn.

### **III. Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

If there is any fee due in connection with the filing of this Response and  
Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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